

CITY OF BEDFORD

Bedford, Virginia

Regular Council Meeting

A G E N D A

March 22, 2005

7:30 p.m.

Administrative

Approval of Minutes
Report of City Manager
Council Comments
Report of Committees
Revisions to Agenda

Public Hearings

- | | |
|-----------------|------------------------------------|
| 1-CITY-3-1-3-22 | City Council Elections |
| 2-CITY-3-1-3-22 | Changing Polling Place for Ward II |
| 3-CITY-3-1-3-22 | Central Absentee Precinct |

Consent Agenda

Old Business

New Business

- | | |
|------------------|--|
| 4-CITY-3-1-3-22 | Presentation – Voting Machines |
| 5-CITY-3-1-3-22 | Ordinance – City Council Elections |
| 6-CITY-3-1-3-22 | Ordinance – Changing Polling Place for Ward II |
| 7-CITY-3-1-3-22 | Ordinance - Central Absentee Precinct |
| 8-ELEC-3-22 | Electric Rate Tariffs |
| 9-FIN-2-24-3-22 | Presentation – Bedford Habitat for Humanity, Inc. |
| 10-FIN-2-24-3-22 | Presentation - Bedford Ride |
| 11-FIN-2-24-3-22 | Presentation – Blue Ridge Legal Services, Inc. |
| 12-FIN-2-24-3-22 | Presentation - Bedford Lifesaving and First Aid Crew |
| 13-FIN-2-24-3-22 | Presentation - Bedford Area Chamber of Commerce |
| 14-FIN-2-24-3-22 | Presentation - Bedford City/County Museum |
| 15-FIN-2-24-3-22 | Presentation - Bedford American Red Cross |
| 16-FIN-2-24-3-22 | Presentation - Bedford Area YMCA |

Note: Interview for Planning Commission vacancies begin at 6:00 p.m.

(City Seal)

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing to be held by the City Council of the City of Bedford, Virginia, to be held in the Council Chambers in the Municipal Building at 215 East Main Street, Bedford, Virginia, on March 22, 2005, at 7:30 p.m., to consider the following ordinances:

1. An ordinance pursuant to Virginia Code Section 24.2-222.1 amending the City Code to add a new section providing for City Council elections to take place on the date of the November general elections in even-numbered years beginning in 2006.

2. An ordinance amending City Code Section 1-9 (b) to provide that the polling place for Ward Two shall be the Bedford Area Welcome Center located at 816 Burks Hill Road, Bedford, Virginia. A description and map of the proposed polling place change is available in the Office of the City Clerk during normal business hours.

3. An ordinance creating a Central Absentee Precinct pursuant to Virginia Code Section 24.2-712 to be located at the Bedford Area Welcome Center located at 816 Burks Hill Road, Bedford, Virginia.

Individuals, whether in favor of or opposed to the ordinances, will have an opportunity to express their views at this hearing.

Publish: March 16, 2005 – Bedford Bulletin
 March 15 and 22, 2005 – News and Advance

**CITY OF BEDFORD, VIRGINIA
CITY COUNCIL
ACTION FORM**

ITEM: Presentation – Voting Machines

DATE OF COUNCIL MEETING: March 22, 2005

DATE: March 14, 2005

PRESENTATION:

A representative from Advanced Voting Solutions will be present at the meeting to demonstrate equipment and answer any questions about the new voting system which has been selected for use by the City electoral board.

ACTION REQUESTED:

No action required.

DATE:_____	FLOOD	YES	NO	OTHER		<u>ROUTING</u>	
	HUBBARD	()	()	()	CITY ATTY.	()	HR ()
	MESSIER	()	()	()	CITY TREAS.	()	PKS/REC/CEM ()
APPROVED ()	PADGETT	()	()	()	COMM.DEV.	()	POLICE ()
DENIED ()	STANLEY	()	()	()	COMM.REV.	()	PUBLIC WKS. ()
DEFERRED TO:	THARP	()	()	()	ELECTRIC	()	SEWER ()
_____	WANDREI	()	()	()	ENGINEERING	()	WATER ()
					FINANCE	()	OTHER:_____
					FIRE DEPT.	()	

**CITY OF BEDFORD, VIRGINIA
CITY COUNCIL
ACTION FORM**

ITEM: Ordinance – City Council Elections

DATE OF COUNCIL MEETING: March 22, 2005

DATE: March 15, 2005

PRESENTATION:

The City Charter (Section 8) as amended in 1972 calls for members of Council to be elected at four-year staggered intervals, with three members currently scheduled to be elected in May 2006 and four members to be elected in May 2008. This follows the general rule that the election of councilmen for cities and towns shall be the general election in May for a term beginning July 1 (Virginia Code Section 24.2-222).

However, the General Assembly has provided by statute (Virginia Code Section 24.2-222.1) that the City Council may provide by ordinance for such elections to be held at the November General Election for terms to commence on January 1. The Council may designate in which cycle such elections shall be held, either even numbered or odd numbered years. The State statute further provides for an adjustment of the term of the council members elected under the existing law until the new council members re elected and take office under a November cycle of elections.

Eight cities, including Charlottesville, Richmond, Winchester and Lexington, have changed to the November cycle of elections. This matter has been discussed by Bedford City Council on a number of occasions, the last such discussions having occurred in August 2004. Council has asked that an ordinance be drafted changing the election date to November in the even numbered years.

The effect of such change will be to move the next Council elections from May 2006 until November 2006 and the following Council elections from May 2008 until November 2008. The terms of the sitting council members would be extended from June 30 (the day of expiration of the terms under the current law) until December 31 of the applicable election year.

The City Electoral Board, in September 2002, advised the Council that the cost of an election was between \$2,000 and \$3,500 and that there would be a savings by holding City Council elections at the same time as the November General Election. The Board had also presented statistical studies that showed that the percentage of registered voters who voted in City Council elections was between 23% and 50%; whereas, the percent of registered voters was highest in presidential election years where the percentage ran between 70% and 80%. In addition to increased voter turn-out and projected cost savings, the other jurisdictions have noted that a move from May to November would increase volunteer participation and assist in obtaining election officials.

Any change in the electoral process such as this requires a submission under Section 5 of the Voting Rights Act and pre-clearance by the voting section of the Civil Rights Division of the United States Department of Justice. Although the change of voting date does not require a public hearing and publication of a notice of such a hearing, as is the case in the change of location of the precinct, all of the proposed ordinances dealing with voting changes have been advertised in the Bedford Bulletin in the issue of March 16 and in the Lynchburg News and Advance in the editions of March 14 and March 21. The proposed ordinances state that they will go into effect after July 1 and upon receipt of clearance of the Department of Justice by a date which is 60 days before the November election. The Registrar has advised that there would not be sufficient time before the primary in June to make the necessary adjustments.

ACTION REQUESTED:

City Council is requested to consider passage of the ordinance changing the date for election of council members from May to November in even numbered years.

		YES	NO	OTHER		ROUTING	
DATE: _____	FLOOD	()	()	()	CITY ATTY.	()	HR ()
	HUBBARD	()	()	()	CITY TREAS.	()	PKS/REC/CEM ()
APPROVED ()	MESSIER	()	()	()	COMM.DEV.	()	POLICE ()
DENIED ()	PADGETT	()	()	()	COMM.REV.	()	PUBLIC WKS. ()
DEFERRED TO:	STANLEY	()	()	()	ELECTRIC	()	SEWER ()
_____	THARP	()	()	()	ENGINEERING	()	WATER ()
	WANDREI	()	()	()	FINANCE	()	OTHER: _____

**AN ORDINANCE TO AMEND CHAPTER 1 OF THE CODE OF THE CITY OF
BEDFORD BY ADDING THEREIN A NEW NUMBERED SECTION,
SECTION 1-12, THAT PROVIDES FOR CITY COUNCIL ELECTIONS
TO TAKE PLACE ON THE DATE OF THE NOVEMBER GENERAL
ELECTION IN EVEN NUMBERED YEARS BEGINNING IN 2006**

BE IT ORDAINED BY THE CITY COUNCIL OF BEDFORD, VIRGINIA

Section 1. Chapter 1 of the Code of the City of Bedford is hereby amended by enacting a new Section 1-12 as follows:

Section 1-12. Election of City Council at November General Elections in even numbered years.

(a) Pursuant to Virginia Code Section 24.2-222.1 and the provisions of City Charter Section 8 and Virginia Code Section 24.2-222, (i) three members of the Council shall be elected at the November General Election in November 2006 for four-year terms commencing on January 1, 2007, and the election for such office shall be held at four-year intervals thereafter at the November General Election; and (ii) four members of the Council shall be elected at the November General Election in November 2008 for four-year terms commencing on January 1, 2009, and the election for such offices shall be held at four-year intervals thereafter.

(b) In accordance with the provisions of Virginia Code Section 24.2-222.1(c) members of the City Council whose terms expire on June 30, 2006 shall continue in office until their successors have been elected at the November 2006 General Election and have been qualified to serve, and members of the City Council whose terms expire on June 30, 2008 shall continue in office until their successors have been elected at the November 2006 General Election in 2008 and have been qualified to serve.

Section 2. This ordinance shall take effect on July 1, 2005, and only upon approval by the United States Department of Justice. If such approval is received on or before July 1, 2005, the Ordinance shall take effect upon July 1, 2005. If such approval is received after July 1, 2005, such ordinance shall take effect only upon the date of approval by the United States Department of Justice and only if such approval is received at least 60 days prior to the general election on November 8, 2005.

**CITY OF BEDFORD, VIRGINIA
CITY COUNCIL
ACTION FORM**

ITEM: Ordinance - Changing Polling Place for Ward II

DATE OF COUNCIL MEETING: March 22, 2005

DATE: March 14, 2005

PRESENTATION:

The Electoral Board recommends changing the Ward II polling place from the National Guard Armory to the Community Room at the Bedford Area Welcome Center. Due to the uncertain availability of the Armory and complaints from election officials about several problems with the facility, they believe that the Welcome Center would serve the citizens of Ward II very well as a polling place. It is handicap accessible with a convenient entrance near ample parking; access to bathroom facilities for the public and election officials; access to kitchen facilities for election officials; sufficient electrical and telephone outlets. The City Registrar has discussed the use of the Community Room with Nanci Drake, Director of Tourism, and was advised the room would be made available.

ACTION REQUESTED:

City Council is requested to adopt an ordinance changing the polling place from the National Guard Armory to the Bedford Area Welcome Center.

		YES	NO	OTHER	ROUTING	
DATE: _____	FLOOD	()	()	()	CITY ATTY.	()
	HUBBARD	()	()	()	CITY TREAS.	()
APPROVED ()	MESSIER	()	()	()	COMM.DEV.	()
DENIED ()	PADGETT	()	()	()	COMM.REV.	()
DEFERRED TO:	STANLEY	()	()	()	ELECTRIC	()
_____	THARP	()	()	()	ENGINEERING	()
	WANDREI	()	()	()	FINANCE	()
					FIRE DEPT.	()
					OTHER: _____	

**AN ORDINANCE TO AMEND SECTION 1-9 OF THE
BEDFORD CITY CODE TO PROVIDE THAT THE
POLLING PLACE OF WARD TWO (2) SHALL BE
THE BEDFORD AREA WELCOME CENTER
LOCATED AT 816 BURKS HILL ROAD,
BEDFORD, VIRGINIA**

WHEREAS, the City is divided into two (2) wards for election purposes, Ward 1 consisting of the area north of the Norfolk Southern Railroad tracks and Ward 2 consisting of the area south of the Norfolk Southern Railroad Tracks; and

WHEREAS, the polling place for Ward 2 is currently the National Guard Armory located at 29A Omaha Beach Circle, Bedford, Virginia; and

WHEREAS, as a result of the increased role of National Guard Units and National Defense, including the activation of the Bedford National Guard Company and its deployment to Afghanistan, there is more probability of conflicts in use of the Bedford National Guard Armory as a voting precinct; and

WHEREAS, the City of Bedford Electoral Board has recommended that the polling place for Ward 2 be moved from the National Guard Armory to the new Bedford Area Welcome Center on Burks Hill Road;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEDFORD:

Section 1. Section 1-9 of the City Code is hereby amended and reenacted as follows:

Sec. 1-0. City wards and polling places.

The city is hereby divided into two (2) wards, as required by Section 5.1-999 of the Code of Virginia, whose boundaries are as follows:

(a) Ward one shall consist of all of that area of the city lying north of the Norfolk Southern Railroad tracks to the corporate limits. The polling place for ward one shall be the Bedford Public Library, located at 321 North Bridge Street.

(b) Ward two shall consist of all of that area of the city lying south of the Norfolk Southern Railroad tracks to the corporate limits. The polling place for ward two shall be the Bedford Area Welcome Center, located at 816 Burks Hill Road.

Section 2. This ordinance shall take effect on July 1, 2005, and only upon approval by the United States Department of Justice. If such approval is received on or before July 1, 2005, the Ordinance shall take effect upon July 1, 2005. If such approval is received after July 1, 2005, such ordinance shall take effect only upon the date of approval by the United States Department of Justice and only if such approval is received at least 60 days prior to the general election on November 8, 2005.

**CITY OF BEDFORD, VIRGINIA
CITY COUNCIL
ACTION FORM**

ITEM: Ordinance - Central Absentee Precinct

DATE OF COUNCIL MEETING: March 22, 2005

DATE: March 14, 2005

PRESENTATION:

The Electoral Board recommends that a Central Absentee Precinct (CAP) be established and the anteroom adjacent to the Community Room at the Welcome Center be established as the polling place for that precinct. In Virginia, voters who will be unable to vote at the polls on election day for one of eleven reasons established by the legislature may vote an absentee ballot by mail or may vote in person at the registrar's office. The City of Bedford now uses paper ballots for these voters. The Help America Vote Act (HAVA) passed by the US Congress in 2002 requires that every voter be offered the opportunity to vote privately and independently. For in-person absentee voters this is accomplished by the use of the new touch screen voting machines. Virginia law permits localities to use voting equipment for absentee votes only if the locality has a central absentee precinct. This means that in order to comply with the federal legislation, Bedford must create an absentee precinct so that we may permit absentee voters who cast their votes in the registrar's office to use the same kind of ADA-compliant machine that voters at the regular polling place use. A central absentee precinct would function the same as the regular precinct except that all registrants who vote absentee would be listed as voters in the CAP for that election. We would use the touch screen voting machine in the registrar's office for in-person absentee voting and would move that machine to the precinct on election day. We are recommending that the CAP be located at the Welcome Center because we would be required to staff the CAP on election day with a minimum number of precinct workers; but because there would be little work during the election day, we would ask those workers to assist in the regular precinct. At the end of election day the CAP officers of election would count the absentee votes and report results as a separate precinct. If a CAP is established, HAVA funds are available for the purchase of the voting equipment.

Example: A blind voter has a doctor's appointment in Richmond on election day and will be out of town the entire day so will be unable to go to his regular polling place to vote. He applies for an absentee ballot at the registrar's office. Because he is blind he is not able to complete a paper ballot without assistance. If he were able to go to his regular polling place on election day, he would be able to use the handicap accessible voting machine which allows him to cast his vote unassisted. Because he is not offered the same accommodation at the registrar's office, the City would not be in compliance with HAVA, putting at risk our eligibility for these funds.

ACTION REQUESTED:

City Council is requested to adopt an ordinance establishing a Central Absentee Precinct (CAP).

		YES	NO	OTHER	ROUTING	
DATE:_____	FLOOD	()	()	()	CITY ATTY.	() HR ()
	HUBBARD	()	()	()	CITY TREAS.	() PKS/REC/CEM ()
APPROVED ()	MESSIER	()	()	()	COMM.DEV.	() POLICE ()
DENIED ()	PADGETT	()	()	()	COMM.REV.	() PUBLIC WKS. ()
DEFERRED TO:	STANLEY	()	()	()	ELECTRIC	() SEWER ()
_____	THARP	()	()	()	ENGINEERING	() WATER ()
	WANDREI	()	()	()	FINANCE	() OTHER:_____
					FIRE DEPT.	()

**AN ORDINANCE CREATING A CENTRAL ABSENTEE PRECINCT
PURSUANT TO VIRGINIA CODE SECTION 24.2-712 AT THE
BEDFORD AREA WELCOME CENTER LOCATED AT 816 BURKS HILL ROAD**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD:

Section 1. Chapter 1 of the City Code is amended by adding a new Section numbered 1-13 as follows:

Section 1-13. Central Absentee Voter Precinct

(a) Pursuant to Virginia Code Section 24.2-712, there shall be a Central Absentee Voter Precinct located at the Bedford Area Welcome Center on Burks Hill Road for the purposes of receiving, counting and recording absentee ballots cast in the City of Bedford. The Central Absentee Voter Precinct shall be used for all elections.

Section 2. This ordinance shall take effect on July 1, 2005, and only upon approval by the United States Department of Justice. If such approval is received on or before July 1, 2005, the Ordinance shall take effect upon July 1, 2005. If such approval is received after July 1, 2005, such ordinance shall take effect only upon the date of approval by the United States Department of Justice and only if such approval is received at least 60 days prior to the general election on November 8, 2005.

**CITY OF BEDFORD, VIRGINIA
CITY COUNCIL
ACTION FORM**

ITEM: Electric Rate Tariffs

DATE OF COUNCIL MEETING: March 22, 2005

DATE: March 16, 2005

PRESENTATION:

At the January 25, 2005 City Council meeting, Steve Shurbett with GDS Associates gave a presentation on the proposed electric rates to be effective with the April 2005 utility billing. The new rates will increase approximately 19.8% in all tariff classes as a result of an increase of 61% in the cost of wholesale power. Council adopted the increase at this meeting.

ACTION REQUESTED:

City Council is requested to approve the new electric tariffs incorporating the increase in the electric rates.

		YES	NO	OTHER		<u>ROUTING</u>	
DATE:_____	FLOOD	()	()	()	CITY ATTY.	()	HR ()
	HUBBARD	()	()	()	CITY TREAS.	()	PKS/REC/CEM ()
APPROVED ()	MESSIER	()	()	()	COMM.M.DEV.	()	POLICE ()
DENIED ()	PADGETT	()	()	()	COMM.REV.	()	PUBLIC WKS. ()
DEFERRED TO:	STANLEY	()	()	()	ELECTRIC	()	SEWER ()
_____	THARP	()	()	()	ENGINEERING	()	WATER ()
	WANDREI	()	()	()	FINANCE	()	OTHER:_____
					FIRE DEPT.	()	